

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 15-8694 DSF (AGRx)

Date 7/14/16

Title Jeffrey Jerome Whitson v. Santa Barbara County, et al.

Present: The Honorable DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS): ORDER TO SHOW CAUSE RE DISMISSAL

Plaintiff filed this action on November 6, 2015, asserting subject matter jurisdiction pursuant to 28 U.S.C. § 1331. After several motions to dismiss, Plaintiff filed a Third Amended Complaint on June 10, 2016, and now, only state law claims remain. As Plaintiff's federal claim was the only basis for subject matter jurisdiction, the Court now has discretion to retain or to dismiss the supplemental claims. 28 U.S.C. § 1367(c) ("The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if . . . the district court has dismissed all claims over which it has original jurisdiction"). Given that the dismissal of federal claims occurred pre-trial, the Court likely should dismiss the action. Acri v. Varian Associates, Inc., 114 F.3d 999, 1000 (9th Cir. 1997); see 28 U.S.C. § 1367(c) Comm. on 1988 Rev.

Plaintiff, in his opposition to Defendants' motion to dismiss the TAC, indicated he can amend his complaint to add a federal claim pursuant to 18 U.S.C. § 2721 et seq. It appears, however, that 18 U.S.C. § 2721(b)(4) permits disclosure of personal information in connection with litigation of any kind.

The Court orders Plaintiff to show cause in writing no later than July 25, 2016, why this action should not be dismissed. Defendant may submit a response in the same time period. The parties are reminded that courtesy copies are to be delivered to Chambers. Failure of Plaintiff to respond by the above date will result in the Court dismissing the action.

Defendants' motion to dismiss Plaintiff's TAC is taken under submission. The

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hearing set for July 25, 2016, is removed from the Court's calendar.

IT IS SO ORDERED.